

REMARKS

Claims 24-31 are presented for examination in this application, and have been amended to define still more clearly what Applicant regards as his invention. Claims 24, 26, 28 and 30 are independent claims.

Claims 24-31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 6,262,769 (Anderson) in view of admitted prior art.

The nature of the aspects of the invention to which the respective independent claims are directed has been adequately discussed in previous papers, and it is not deemed necessary to repeat that discussion in full. Independent Claim 24 is directed to an image processing apparatus that comprises an image capture unit, a memory adapted to store a first image captured by the image capture unit, and first and second superimposing units. The first superimposing unit superimposes a second image on the first image read from the memory, while the second superimposes a third image on the first image read from the memory. A display unit displays the first image, with the second image superimposed, and an outputting unit outputs the first image, with the third image superimposed, from the image processing apparatus. According to Claim 24, the image processing apparatus rotates the second image according to a rotation of the image processing apparatus before the second image is superimposed on the first image, and the second image is rotated without rotating the first image. At the least, this last feature is believed clearly not to be taught or suggested by the prior art.

Anderson relates to a system that displays an image and a text with the same orientation. *Anderson* provides automatic rotation of a graphical user interface to manage

images captured in portrait and in landscape orientations, respectively. The *Anderson* apparatus determines the orientation associated with the image, and that associated with the image capture unit, and if the two are different, the second orientation (that of the image capture unit) is selected for use in displaying the image on the GUI. Applicants submit that nothing has been found, or pointed out, in *Anderson* that would teach or suggest rotating a text without rotating the image accompanying that text. In light of the structure of the digital camera used in *Anderson* as the image capture unit, Applicants surmise that when rotating the image, the text is required to be rotated in the same orientation as the image, since otherwise it appears to Applicants that it would be impossible to display the image and the text in the same orientation. Accordingly, Applicants do not believe that anything in that patent teaches or suggests rotating a second image according to a rotation of the image processing apparatus before the second image is superimposed on a first image, and the second image being rotated without rotating the first image, as is recited in Claim 24. Accordingly, Applicants believe that independent Claim 24 is allowable over *Anderson*, taken alone.

Moreover, since nothing in the admitted prior art teaches or suggests such rotation of a second image without rotation of a first image on which the second image is superimposed, that admitted prior art does not supply what is missing from *Anderson* as a reference against Claim 24. Accordingly, Applicants consider Claim 24 to be allowable over *Anderson* and the admitted prior art, taken separately or in any possible combination (assuming that such combination would even be permissible).

Each of the other independent claims contains recitations similar in relevant respects to those discussed in connection with Claim 24 and not believed to be taught or suggested by *Anderson* and the admitted prior art, and those claims are therefore also believed to be clearly allowable thereover.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,

A handwritten signature in cursive script, reading "Leonard P. Diana". The signature is written in dark ink and is positioned above the printed name.

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